UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/680
8 December 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 75

CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

Report of the First Committee

Rapporteur: Mr. Macaire KABORE (Burkina Faso)

I. INTRODUCTION

1. The item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" was included in the provisional agenda of the forty-eighth session of the General Assembly in accordance with its resolution 47/56 of 9 December 1992.

2. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 14 October 1993, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 57 to 75 and 77 to 82. The deliberations on those items took place at the 3rd to 14th meetings, on 18 to 22, 25, 26 and 28 October (see A/C.1/48/SR.3-14). Consideration of draft resolutions on those items took place at the 18th to 23rd meetings, on 3 to 5, 8 and 9 November (see A/C.1/48/SR.18-23). Action on draft resolutions on those items took place at the 24th to 30th meetings, on 11, 12, 15, 16, 18 and 19 November (see A/C.1/48/SR.24-30).

4. In connection with item 75, the First Committee had before it the following documents:

(a) Report of the Secretary-General on the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (A/48/389);

(b) Letter dated 14 June 1993 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General (A/48/209-S/25937).

II. CONSIDERATION OF DRAFT RESOLUTIONS A/C.1/48/L.34 AND REV.1 AND A/C.1/48/L.49 AND REV.1

5. At the 22nd meeting, on 9 November, the representative of Sweden, on behalf of Australia, Austria, Belarus, Belgium, Benin, Bulgaria, Canada, Cuba, the Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, the Lao People's Democratic Republic, Latvia, Liechtenstein, Mongolia, the Netherlands, New Zealand, Nicaragua, Norway, Poland, the Russian Federation, Slovakia, Sweden, Ukraine and the United States of America, introduced a draft resolution entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" (A/C.1/48/L.34), which was later also sponsored by Afghanistan, Bolivia, Costa Rica, the Democratic People's Republic of Korea, Honduras, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia and Portugal. The draft resolution read as follows:

"The General Assembly,

"Recalling its resolutions 32/152 of 19 December 1977, 35/153 of 12 December 1980, 36/93 of 9 December 1981, 37/79 of 9 December 1982, 38/66 of 15 December 1983, 39/56 of 12 December 1984, 40/84 of 12 December 1985, 41/50 of 3 December 1986, 42/30 of 30 November 1987, 43/67 of 7 December 1988, 45/64 of 4 December 1990, 46/40 of 6 December 1991 and 47/56 of 9 December 1992,

"Recalling with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, 1/ together with the Protocol on Non-Detectable Fragments (Protocol I), 1/ the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II) 1/ and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), 1/

"Recalling the role played by the International Committee of the Red Cross in the elaboration of the aforementioned Convention and its Protocols,

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1/ See The UN Disarmament Yearbook, vol. 5: 1980 (United Nations publication, Sales No. G.81.IX.4), appendix VII.

"Noting with satisfaction that, the conditions set forth in article 5 of the Convention having been met, the Convention and the three Protocols annexed thereto entered into force on 2 December 1983,

"Recalling the commitment to respect the objectives and the provisions of the Convention and its Protocols by the States that are parties to it,

"Noting that, under article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols annexed thereto, to examine additional protocols concerning other categories of conventional weapons not covered by the existing Protocols or to review the scope and application of the Convention and its Protocols and to examine any proposed amendment or additional protocol,

"Noting with satisfaction that a State party has asked the Secretary-General of the United Nations to convene, in conformity with article 8, paragraph 3, of the Convention of 10 October 1980, a Conference to review the Convention and its Protocols, with priority given to anti-personnel land mines,

"Noting that international meetings have discussed possible restrictions of the use of other weapon categories presently not covered by the Convention and its annexed Protocols,

"Reaffirming its conviction that a general and verifiable agreement on prohibitions or restrictions on the use of certain conventional weapons would significantly reduce the suffering of civilians and combatants,

"Being desirous of reinforcing international cooperation in the area of prohibitions or restrictions on the use of certain conventional weapons, and particularly for the removal of minefields, mines and booby-traps,

"Recalling in this respect resolution 48/7 of 19 October 1993 on assistance in mine clearance,

"1. Registers its satisfaction with the report of the Secretary-General; 2/

"2. Notes with satisfaction that additional States have signed, ratified or accepted the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, 1/ which was opened for signature in New York on 10 April 1991, or have acceded to this Convention;

2/ A/48/389.

"3. Urgently calls upon all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention and on successor States to take appropriate measures so that ultimately access to this instrument will be universal;

"4. Calls upon the Secretary-General of the United Nations, in his capacity as depositary of the Convention and the three Protocols annexed thereto, to inform it periodically of accessions to the Convention and its Protocols;

"5. Welcomes the request to the Secretary-General to convene at an appropriate time, if possible in 1994, in accordance with article 8, paragraph 3, of the Convention of 10 October 1980, a review conference of the said Convention;

"6. Also welcomes the request by the States parties to the Secretary-General to establish as soon as possible a group of governmental experts to prepare the Review Conference of the Convention and to furnish needed assistance and assure services, including the preparation of analytical reports which the review conference and the group of experts might need;

"7. Calls upon the maximum number of States to attend the Conference, to which the States parties may invite interested non-governmental organizations, in particular the International Committee of the Red Cross;

"8. Decides to include in the provisional agenda of its forty-ninth session an item entitled 'Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects'."

6. On 9 November, Mexico submitted an amendment to draft resolution A/C.1/48/L.34 (A/C.1/48/L.49), which read:

At the end of the fifth preambular paragraph, add

"'especially, those set forth in the eighth preambular paragraph of the Convention, relating to the determination to prohibit or restrict further the use of certain conventional weapons and the belief that the positive results achieved in this field will facilitate talks on disarmament with a view to putting an end to the production, stockpiling and proliferation of such conventional weapons, including those referred to in Protocol II to the Convention'."

7. On 17 November, the sponsors submitted a revised draft resolution (A/C.1/48/L.34/Rev.1).

8. On 18 November, Mexico submitted a revised draft amendment (A/C.1/48/L.49/Rev.1).

9. At the 30th meeting, on 19 November, the representative of France, speaking on behalf of Bulgaria, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, Japan, Norway, Poland, Portugal, the Russian Federation, Slovakia and the United States of America, stated that if the draft amendment (A/C.1/48/L.49/Rev.1) passed, those States would be obliged to withdraw their sponsorship of draft resolution A/C.1/48/L.34/Rev.1. Subsequently, the representatives of Belarus, Belgium, Benin, Luxembourg and Ukraine also announced the withdrawal of their sponsorship of draft resolution A/C.1/48/L.34/Rev.1 (see A/C.1/48/SR.30/Add.1).

10. At the same meeting, the Committee adopted revised draft amendment A/C.1/48/L.49/Rev.1 by a recorded vote of 52 to 24, with 32 abstentions. The voting was as follows: 3/

In favour: Afghanistan, Bahamas, Bangladesh, Bhutan, Botswana, Burkina Faso, Central African Republic, Chad, Chile, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Fiji, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritius, Mexico, Myanmar, Namibia, Nepal, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Rwanda, Senegal, Sri Lanka, Suriname, Swaziland, Thailand, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Yemen, Zambia, Zimbabwe.

Against: Belgium, Bulgaria, Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Israel, Italy, Japan, Luxembourg, Malta, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Armenia, Australia, Austria, Belarus, Bolivia, Brazil, Cambodia, Canada, Cyprus, Djibouti, Egypt, Estonia, Finland, Ireland, Kazakhstan, Kuwait, Kyrgyzstan, Liechtenstein, Lithuania, Marshall Islands, Micronesia (Federated States of), Netherlands, New Zealand, Republic of Korea, Russian Federation, Samoa, Singapore, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine.

11. Also at the same meeting, the Secretary of the Committee made a statement concerning the programme budget implications of the draft resolution A/C.1/48/L.34/Rev.1 (see A/C.1/48/SR.30/Add.1).

12. At the same meeting, the Committee voted on draft resolution A/C.1/48/L.34/Rev.1 as follows:

3/ Subsequently, the delegation of Nigeria indicated that it had intended to vote in favour.

(a) The fifth preambular paragraph, as revised, was adopted by a recorded vote of 57 to 4, with 55 abstentions. The voting was as follows: 4/

In favour: Afghanistan, Bahamas, Bangladesh, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cape Verde, Central African Republic, Chad, Chile, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Fiji, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritius, Mexico, Myanmar, Namibia, Nepal, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Rwanda, Senegal, Sri Lanka, Suriname, Swaziland, Thailand, Uganda, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Czech Republic, Estonia, Israel, United States of America.

Abstaining: Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Bolivia, Brazil, Bulgaria, Cambodia, Canada, Cyprus, Denmark, Egypt, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

(b) Draft resolution A/C.1/48/L.34/Rev.1 as a whole as revised was adopted by a recorded vote of 140 to none, with 2 abstentions (see para. 13). The voting was as follows: 5/

In favour: Afghanistan, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan,

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4/ Subsequently, the delegations of Colombia and Nigeria indicated that they had intended to vote in favour.

5/ Subsequently, the delegation of Nigeria indicated that it had intended to vote in favour.

Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Russian Federation, United States of America.

III. RECOMMENDATION OF THE FIRST COMMITTEE

13. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or To Have Indiscriminate Effects

The General Assembly,

Recalling its resolutions 32/152 of 19 December 1977, 35/153 of 12 December 1980, 36/93 of 9 December 1981, 37/79 of 9 December 1982, 38/66 of 15 December 1983, 39/56 of 12 December 1984, 40/84 of 12 December 1985, 41/50 of 3 December 1986, 42/30 of 30 November 1987, 43/67 of 7 December 1988, 45/64 of 4 December 1990, 46/40 of 6 December 1991 and 47/56 of 9 December 1992,

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, 6/ together with the Protocol on Non-Detectable Fragments (Protocol I), 6/ the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II) 6/ and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), 6/

6/ See The United Nations Disarmament Yearbook, vol. 5: 1980 (United Nations publication, Sales No. G.81.IX.4), appendix VII.

Recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and its Protocols,

Noting with satisfaction that, the conditions set forth in article 5 of the Convention having been met, the Convention and its three Protocols entered into force on 2 December 1983,

Recalling the commitment to respect the objectives and the provisions of the Convention and its Protocols by the States that are parties to it, especially those set forth in the ninth preambular paragraph of the convention, relating to the wish to prohibit or restrict further the use of certain conventional weapons and believing that the positive results achieved in this area may facilitate the main talks on disarmament with a view to putting an end to the production, stockpiling and proliferation of such weapons,

Noting that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols to it, to examine additional protocols concerning other categories of conventional weapons not covered by the existing Protocols or to review the scope and application of the Convention and its Protocols and to examine any proposed amendment or additional protocol,

Noting with satisfaction that a State party has asked the Secretary-General to convene, in conformity with article 8, paragraph 3, of the Convention, a conference to review the Convention and its Protocols, with priority given to the question of anti-personnel land mines,

Noting that international meetings have discussed possible restrictions of the use of other weapon categories presently not covered by the Convention and its Protocols,

Reaffirming its conviction that a general and verifiable agreement on prohibitions or restrictions on the use of certain conventional weapons would significantly reduce the suffering of civilians and combatants,

Being desirous of reinforcing international cooperation in the area of prohibitions or restrictions on the use of certain conventional weapons, and particularly for the removal of minefields, mines and booby-traps,

Recalling in this respect resolution 48/7 of 19 October 1993 on assistance in mine clearance,

1. Registers its satisfaction with the report of the Secretary-General; 7/

7/ A/48/389.

2. Notes with satisfaction that additional States have signed, ratified or accepted the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, 6/ which was opened for signature in New York on 10 April 1981, or have acceded to the Convention;

3. Urgently calls upon all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention and upon successor States to take appropriate measures so that ultimately access to this instrument will be universal;

4. Calls upon the Secretary-General of the United Nations, in his capacity as depositary of the Convention and its three Protocols, to inform it periodically of accessions to the Convention and its Protocols;

5. Welcomes the request to the Secretary-General to convene at an appropriate time, if possible in 1994, in accordance with article 8, paragraph 3, of the Convention, a review conference of the Convention;

6. Encourages the States Parties to request the Secretary-General to establish as soon as possible a group of governmental experts to prepare the review conference of the Convention and to furnish needed assistance and assure services, including the preparation of analytical reports that the review conference and the group of experts might need;

7. Calls upon the maximum number of States to attend the conference, to which the States parties may invite interested non-governmental organizations, in particular the International Committee of the Red Cross;

8. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".